

No. 185.

4th Session, 6th Parliament, 24 Victoria, 1861.

BILL.

An Act to vest in the Corporation of the
City of Hamilton, the Water Works of
that City.

[PRIVATE BILL.]

Received and read, first time, Tuesday, 16th
April, 1861.

Second reading, Wednesday, 17th April, 1861.

Mr. WHITE.

QUEBEC:

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An Act to vest in the Corporation of the City of Hamilton, the
Water Works of that City.

WHEREAS the Corporation of the City of Hamilton have petitioned that the Water Works of the said City may be vested in the said Corporation, and it is expedient to comply with the prayer of such petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

Preamble

I. The Act of the Parliament of this Province, passed in the twentieth year of Her Majesty's reign, intituled "An Act for the construction of Water Works in the City of Hamilton," and also another Act to amend the same, passed in the twenty-third year of Her Majesty's reign, intituled "An Act to amend an Act intituled An Act for the construction of Water Works in the City of Hamilton," shall be and the same are respectively hereby repealed: Provided always, that neither such repeal nor anything herein contained shall affect, annul or make void, any matter or thing done or agreed to be done under the said Acts, or relieve any parties from obligations incurred thereunder or whilst the same were in force.

Acts 20 V., c. 84 and 23 V., c. 87, repealed.

Proviso.

II. All and singular the powers, privileges and authorities by the said Acts conferred, given and granted to the Water Commissioners of the said City, shall (save only as they are varied by this Act), from and after the passing hereof, be conferred upon, vested in and exercised by the Corporation of the City of Hamilton, which through its Council shall, in all respects and in every particular, occupy the place and position of the said Water Commissioners, and be liable for their engagements and contracts, and be entitled to the benefit of all contracts, engagements and securities entered into with the said Commissioners, and be entitled to sue thereon in the Corporate name of the said City; and all property, real or personal, heretofore taken or held by or for the benefit of the said Commissioners, shall, from the passing of this Act, vest absolutely in the Corporation of the City of Hamilton; And all and singular the enactments in relation to the said Water Works and the management thereof, in the said Acts contained, the penalties thereby imposed, and the powers thereby granted to Justices of the Peace, not inconsistent with this Act, are hereby re-enacted as fully as if the same had been repeated herein, save only as they are modified or altered by this Act: Provided also that the words "Corporation of the City of Hamilton" shall be substituted for the words "Water Commissioners" wherever the same occur in the Acts hereinbefore referred to.

Powers granted to the Water Commissioners by the said Acts, transferred to the Corporation of the City.

How the enactments of the said Act shall apply.

Proviso.

III. The Corporation of the City of Hamilton shall, through its Council, have full power and authority to exercise all and singular the powers conferred upon the said Commissioners (save as aforesaid); and in addition thereto it shall be lawful for the said Corporation, through

Corporation may make a Tariff of Water-rates,

By whom payable and from what time.

its Council, from time to time to establish by By-law a tariff of rents or rates for water supplied or ready to be supplied in the said City from the said Water Works; which said tariff of rents or rates shall be payable at the times and in the manner to be established in the said By-laws, by all proprietors, occupants or others, supplied with water from the said works, or whom the said Council may be prepared and ready to supply with water; which said tariff of rents or rates shall and may be made payable by all such proprietors, occupants or others, as well by those who refuse as by those who consent to receive into their houses, stores or other buildings, the water pipe to supply the said water, but such tariff of rents or rates shall not be payable by the proprietors or occupants of any such house, store or other building, until after the said Council shall have notified them that they are prepared and ready to supply the same with water; and if, from the time of such notification to the next period appointed for the payment of such tariff rents or rates, there shall be any broken period, then such tariff shall be payable *pro rata* for such broken period as if accruing, and due day by day: Provided that the expense of introducing the said water into the said houses, stores or other buildings, shall be borne by the said Council, and the work performed by them; but the expense of the distribution of the water through the said houses, stores or other buildings, after being introduced into them, shall be borne and paid for by such proprietors or occupants.

As to broken periods.
 Proviso, as to expense of introducing and distributing water.

Council not to impose a special rate under 23 V., c. 204.

IV. The Council shall not have power to impose a special rate, as provided for by the first section of the Act 23rd Victoria, chapter 87, hereby repealed, other than the water rate or rent hereinbefore referred to; but any sum required to pay the interest of the Debentures issued for the said Water Works, and the yearly expenses thereof, which the water rents shall be insufficient to meet, shall be levied by a general assessment in the same manner as assessments for other purposes under the general assessment laws, or partly by such general assessment and partly by a special assessment on all and singular the real property by, near, or contiguous to which the water pipes may pass, and upon the stock-in-trade, household furniture, goods and effects belonging to or in the possession of the owners or occupants of such real estate as the Council may from time to time by By-law fix, and direct that such owner or occupant shall pay, having due regard to the advantages derived by such owner or occupant, or conferred upon his, her or their property by the Water Works, and the locality in which the same is situated.

How the sums required to pay interest shall be raised.

Power to distrain and lien for water rent.

V. The Corporation shall, in addition to any other remedy, have power to distrain for the said water rate or rent upon the goods and chattels of the person or persons who ought to pay the same, or upon any goods and chattels in his possession wherever the same may be found, and until payment the same shall be a lien upon the premises for which the same may be due, in the same manner as Municipal taxes assessed on real estate are liens.

Council may make By-laws under s. 6 of 23 V., c. 204.

VI. The Council shall be and they are hereby empowered to make such By-laws as to them shall seem reasonable for the purposes mentioned in the sixth section of the said Act lastly recited and hereby repealed; but no Justice of the Peace shall be authorized to enforce the same by imprisonment for a longer period than fourteen days.

VII. No further Debentures shall be issued for the construction of the said Water Works, except for the purpose of keeping the same in an efficient state of repair, and paying the expenses of laying and introducing the service pipes, or not exceeding in the whole, with the amount
5 already expended, the sum of two hundred thousand pounds.

Further Water
Debentures limited.

VIII. This Act shall be deemed to be a Public Act.

Public Act.